

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

556I0285

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1061** - 02/03/2003

Introduced by: Representatives Hennies, Madsen, and McCaulley and Senators Vitter, Abdallah, Albers, Duniphan, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for the crime of bestiality and to prescribe certain  
2 penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person, for the purpose of that person's sexual gratification, may:

7 (1) Engage in a sexual act with an animal; or

8 (2) Coerce any other person to engage in a sexual act with an animal; or

9 (3) Engage in a sexual act with an animal in the presence of a minor; or

10 (4) Use any part of the person's body or an object to sexually stimulate an animal; or

11 (5) Videotape a person engaging in a sexual act with an animal; or

12 (6) Kill or physically abuse an animal.

13 Any person who violates any provision of this section is guilty of the crime of bestiality.

14 Bestiality is a Class 6 felony. However, if any person has been previously convicted of a sex  
15 crime pursuant to § 22-22-30, any subsequent violation of this section is a Class 5 felony.



1       Section 2. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       For the purposes of section 1 of this Act, the term, sexual act with an animal, means any act  
4 between a person and an animal involving direct physical contact between the genitals of one and  
5 the mouth or anus of the other, or direct physical contact between the genitals of one and the  
6 genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

7       Section 3. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9       The provisions of section 1 of this Act do not apply to or prohibit normal, ordinary, or  
10 accepted practices involved in animal husbandry, artificial insemination, or veterinary medicine.

11       Section 4. That § 22-22-30 be amended to read as follows:

12       22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the  
13 following crimes regardless of the date of the commission of the offense or the date of  
14 conviction:

- 15       (1) Rape as set forth in § 22-22-1;
- 16       (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by  
17 an adult and the adult is convicted of a felony;
- 18       (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if  
19 committed by an adult;
- 20       (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- 21       (5) Possessing, manufacturing, or distributing child pornography as set forth in  
22 § 22-22-24.2;
- 23       (6) Sale of child pornography as set forth in § 22-22-24;
- 24       (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;

1 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;

2 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2 (2);

3 (10) Criminal pedophilia as set forth in § 22-22-30.1;

4 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set  
5 forth in § 22-24-1.2;

6 (12) Solicitation of a minor as set forth in § 22-22-24.5;

7 (13) Bestiality as set forth in section 1 of this Act;

8 (14) An attempt to commit any of the crimes listed in this section;

9 ~~(14)~~(15) Any crime committed in a place other than this state which would constitute  
10 a sex crime under this section if committed in this state;

11 ~~(15)~~(16) Any federal crime or court martial that would constitute a sex crime under  
12 federal law; or

13 ~~(16)~~(17) Any crime committed in another state if that state also requires that anyone  
14 convicted of that crime register as a sex offender in that state.